UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/607,127	06/26/2003	Angelina McMullin	END903009US1	5527

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EXAMINER
BASHORE, WILLIAM L

ART UNIT	PAPER NUMBER
2176	

DATE MAILED: 12/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	10/607,127	MCMULLIN, ANGELINA
	Examiner	Art Unit	
	William L. Bashore	2176	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *28 September 2006*.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-39* is/are pending in the application.

    4a) Of the above claim(s) *15-18,28,38 and 39* is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-14,19-27 and 29-37* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail. Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

1.   This action is responsive to communications: amendment filed 9/28/2006 to the original application

filed **6/26/2003**, IDS filed 6/26/2003.

2.   Claims 1-39 pending. Claims 1-14, 19-27, 29-37 continue to be examined on the merits. Within said

claim set; 1, 19, 29 are independent.

Claim Rejections - 35 USC § 112

3.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the
> applicant regards as his invention.

4.   **Claims 14, 27, 37 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for**

failing to particularly point out and distinctly claim the subject matter which applicant regards as the

invention.

        In regard to dependent claims 14, 27, 37, each of said claims recite replacing calculations of the

spreadsheet, which appears to contradict the recitations of their respective base claims: "*...wherein the*

spreadsheet of the program is unchangeable by a user.", therefore said dependent claims are vague and

indefinite.

        For the purpose of rejection under art, the following rejections are applied using a possible interpretation

of the above claims as directed to an unchanged spreadsheet.

Claim Rejections - 35 USC § 101

5.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

6.   **The claimed invention (as claimed in claims 1-14, 19-27, 29-37) are directed to non-statutory subject matter.**

In regard to independent claims 1, 19, and 29, the combined limitations of each said claim do not appear to be claiming any useful, concrete, and tangible result. In addition, it is the examiner's opinion that each said claim is not claiming any "transformation" of data, therefore, each said claim is directed to non-statutory subject matter.

In regard to dependent claims 2-14, 20-27, 30-37, said claims are rejected for fully incorporating the deficiencies of their respective base claims.

Claim Rejections - 35 USC § 103

7.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8.   **Claims 1-14, 19-27, 29-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Becerra,**

JR. (hereinafter Becerra), U.S. Application Publication No. 2003/0169295, provisional filing March 7,

2002, in view of Devine et al. (hereinafter Devine), U.S. Application Publication No. 2002/0095399

provisional filing August 4, 2000, and further in view of Mujica et al. (hereinafter Mujica) US PG Pub No.

US 2003/0117447 filed 12/21/2001.

        In regard to independent claim 1, Becerra teaches an electronic tool for the creation of interactive

representations of input and output data, and for simulating associated algorithms used to manipulate said data

that are used in spreadsheets. The simulation is generated based on data sources within an application program

file (spreadsheet data cells). Becerra additionally teaches an interface, using input arrangements (i.e. data

arrangements), said arrangements associated with spreadsheet execution, accordingly (Becerra Abstract, Figure

2, also paragraph [0011] – especially at end of said paragraph, and paragraphs [0022], [0023], [0024], [0025]).

        It is additionally noted that Becerra does not specifically teach that the spreadsheet itself is to execute its

logic. However, Devine teaches a spreadsheet statistical reporting method whereby a spreadsheet executes

internal statistical calculations on inputs (Devine paragraph [0449]). It would have been obvious to one of

ordinary skill in the art at the time of the invention to apply Devine to Becerra, providing Becerra the benefit of

well known statistical test methods by the spreadsheet to confirm Becerra's analyzed spreadsheet algorithms

(see also Devine paragraph [0449] – at middle). It is further noted that both references are in the same general

field of endeavor (calculating spreadsheet reports). Compare the above with "*A method of facilitating*

development of programs, said method comprising; providing an interface of a program; and including in the

program a spreadsheet that is to execute logic of the spreadsheet in response to data of the interface, ...".

        Becerra teaches selecting one or more data cells in a pre-existing spreadsheet file (Becerra paragraph

[0010] – at bottom). Becerra does not specifically disclose a spreadsheet which is "*unchangeable*" by a user.

However, Mujica teaches a spreadsheet application comprising the ability of a user to lock either an individual

cell or a group of cells (i.e. all cells of a spreadsheet), thereby locking spreadsheet changes (Mujica paragraphs

[0004], [0017]). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Mujica to Becerra, providing Becerra the benefit of creating a program with locked cells therefore ensuring better data security.

In regard to dependent claim 2, Becerra does not specifically teach hiding a spreadsheet program. However, Devine teaches running a spreadsheet "hidden" (Devine paragraph [0549]). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Devine to Becerra, providing Becerra the benefit of hiding a spreadsheet for increased security (e.g. for service deliveries only).

In regard to dependent claim 3, Becerra does not specifically teach that the spreadsheet avoids re-coding. However, Devine teaches running a spreadsheet "hidden" (Devine paragraph [0549]). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Devine to Becerra, providing Becerra the benefit of hiding a spreadsheet for increased security (e.g. for service deliveries only, and therefore avoids re-coding).

In regard to dependent claim 4, Becerra teaches creating an interface based upon a spreadsheet (Becerra paragraph [0010]).

In regard to dependent claim 5, Becerra teaches creating interactive representations of (spreadsheet) input and output data (Becerra Abstract, Figure 5). Becerra does not specifically disclose input and results "tabs". However, Becerra's teaching of Sheet tabs (Becerra Figure 4 – at bottom) to differentiate between spreadsheets, provides reasonable suggestion to one of ordinary skill in the art at the time of the invention to apply "tabs" to input and result sections, facilitating differentiation between input and result data.

In regard to dependent claims 6, 7, 8, Becerra teaches creating input components and selecting ranges, so as to facilitate interaction with Becerra's spreadsheet (Becerra paragraph [0010], Figure 2). It is noted that these input components provide association data to the spreadsheet.

Becerra does not specifically teach prior checks and tasks. However, Devine teaches a spreadsheet statistical reporting method whereby a spreadsheet executes internal statistical calculations on inputs (Devine paragraph [0449]). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Devine to Becerra, providing Becerra the benefit of well known statistical test methods by the spreadsheet to confirm in advance Becerra's analyzed spreadsheet algorithms (see also Devine paragraph [0449] – at middle).

In regard to dependent claim 9, Becerra does not specifically teach that the output data is from the spreadsheet itself. However, Devine teaches a spreadsheet statistical reporting method whereby a spreadsheet executes internal statistical calculations on inputs (Devine paragraph [0449]). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Devine to Becerra, providing Becerra the benefit of well known statistical test methods by the spreadsheet to confirm in advance Becerra's analyzed spreadsheet algorithms by providing output data from said spreadsheet (see also Devine paragraph [0449] – at middle).

In regard to dependent claims 10, 11, Becerra teaches formulas to be applied to input data (Becerra paragraph [0011]). Becerra teaches results (Becerra Figure 5).

In regard to dependent claim 12, 13, Becerra does not specifically teach exclusive input/output access to the spreadsheet. However, Devine teaches a user logon and other authentication procedures for identification of authorized member users (Devine paragraph [0495]). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Devine to Becerra, providing Becerra the benefit of exclusive input/output, ensuring greater security.

In regard to dependent claim 14, Becerra teaches an initial setup of graphical slider controls

associated with input cells. Calculations are replaced as input values change (via slider), without rearrangement

(re-coding) of the interface (Becerra paragraph [0042]).

In regard to independent claim 19, Becerra teaches an electronic tool for the creation of interactive

representations of input and output data, and for simulating associated algorithms used to manipulate said data

that are used in spreadsheets. The simulation is generated based on data sources within an application program

file (spreadsheet data cells). Becerra additionally teaches an interface, using input arrangements (i.e. data

arrangements), said arrangements associated with spreadsheet execution, accordingly (Becerra Abstract, Figure

2, also paragraph [0011] – especially at end of said paragraph, and paragraphs [0022], [0023], [0024], [0025]).

Compare with "*A method of facilitating development of programs, said method comprising; providing an

interface of a program; and including in the program a spreadsheet that is to execute logic of the spreadsheet in

response to data of the interface,...*".

It is additionally noted that Becerra does not specifically teach that the spreadsheet itself is to execute its

logic. However, Devine teaches a spreadsheet statistical reporting method whereby a spreadsheet executes

internal statistical calculations on inputs (Devine paragraph [0449]). It would have been obvious to one of

ordinary skill in the art at the time of the invention to apply Devine to Becerra, providing Becerra the benefit of

well known statistical test methods by the spreadsheet to confirm Becerra's analyzed spreadsheet algorithms

(see also Devine paragraph [0449] – at middle). It is further noted that both references are in the same general

field of endeavor (calculating spreadsheet reports).

Becerra teaches selecting one or more data cells in a pre-existing spreadsheet file (Becerra paragraph

[0010] – at bottom). Becerra does not specifically disclose a spreadsheet which is "*unchangeable*" by a user.

However, Mujica teaches a spreadsheet application comprising the ability of a user to lock either an individual

cell or a group of cells (i.e. all cells of a spreadsheet), thereby locking spreadsheet changes (Mujica paragraphs

[0004], [0017]). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Mujica to Becerra, providing Becerra the benefit of creating a program with locked cells therefore ensuring better data security.

In regard to dependent claims 20-25, 27, claims 20-25, 27 reflect the system comprising computer readable instructions used for performing the methods as claimed in claims 2, 4, 6, 7, 9, 10, 14, respectively, and are rejected along the same rationale.

In regard to dependent claim 26, claim 26 reflects the system comprising computer readable instructions used for performing the methods as claimed in claims 12, 13, and is rejected along the same rationale.

In regard to independent claim 29, Becerra teaches an electronic tool for the creation of interactive representations of input and output data, and for simulating associated algorithms used to manipulate said data that are used in spreadsheets. The simulation is generated based on data sources within an application program file (spreadsheet data cells). Becerra additionally teaches an interface, using input arrangements (i.e. data arrangements), said arrangements associated with spreadsheet execution, accordingly (Becerra Abstract, Figure 2, also paragraph [0011] – especially at end of said paragraph, and paragraphs [0022], [0023], [0024], [0025]). Compare with "*A method of facilitating development of programs, said method comprising; providing an interface of a program; and including in the program a spreadsheet that is to execute logic of the spreadsheet in response to data of the interface, ...*".

It is additionally noted that Becerra does not specifically teach that the spreadsheet itself is to execute its logic. However, Devine teaches a spreadsheet statistical reporting method whereby a spreadsheet executes internal statistical calculations on inputs (Devine paragraph [0449]). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Devine to Becerra, providing Becerra the benefit of

well known statistical test methods by the spreadsheet to confirm Becerra's analyzed spreadsheet algorithms (see also Devine paragraph [0449] – at middle). It is further noted that both references are in the same general field of endeavor (calculating spreadsheet reports).

Becerra teaches selecting one or more data cells in a pre-existing spreadsheet file (Becerra paragraph [0010] – at bottom). Becerra does not specifically disclose a spreadsheet which is "*unchangeable*" by a user. However, Mujica teaches a spreadsheet application comprising the ability of a user to lock either an individual cell or a group of cells (i.e. all cells of a spreadsheet), thereby locking spreadsheet changes (Mujica paragraphs [0004], [0017]). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Mujica to Becerra, providing Becerra the benefit of creating a program with locked cells therefore ensuring better data security.

In regard to dependent claims 30-35, 37, claims 30-35, 37 reflect the product comprising computer readable instructions used for performing the methods as claimed in claims 2, 4, 6, 7, 9, 10, 14, respectively, and are rejected along the same rationale.

In regard to dependent claim 36, claim 36 reflects the product comprising computer readable instructions used for performing the methods as claimed in claims 12, 13, and is rejected along the same rationale.

Response to Arguments

9.   Applicant's arguments filed 9/28/2006 have been fully and carefully considered but they are not persuasive.

Applicant argues on page 7 of the amendment that claims 14, 27, and 37 are not vague and indefinite. Applicant argues that claim 14 does not require a user to "do the replacing", and that a "programmer" can do the

replacing. The examiner respectfully disagrees. The claims in question do not preclude the interpretation of a user replacing calculations. In addition, a programmer can be reasonable interpreted as a "user".

Applicant argues on page 8 of the amendment that the phrase "to produce output" overcomes the examiner's 35 USC 101 rejection against the instant claims. The examiner respectfully disagrees. It is the examiner's opinion that the phrase "to produce output" does not go far enough to claim at least a concrete and tangible result, since data can be outputted within a computer (i.e. outputted to the system bus, etc.), and still be interpreted as manipulation of data.

Applicant argues on page 9 of the amendment that the cited art is not in the same field of endeavor. The examiner respectfully disagrees. It is respectfully submitted that the references are in the same general field of endeavor inasmuch as each reference deals substantially with spreadsheets. The cited references are applied to Applicant's instant claims, said claims do not preclude importing, etc.

Conclusion

10.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to William L. Bashore whose telephone number is (571) 272-4088. The examiner can normally be reached on 11:30am - 8:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached on (571) 272-4136. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

11.   Information regarding the status of an application may be obtained from the Patent Application

Information Retrieval (PAIR) system. Status information for published applications may be obtained from

either Private PAIR or Public PAIR. Status information for unpublished applications is available through

Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you

have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-

9197 (toll-free).

WILLIAM BASHORE
PRIMARY EXAMINER

December 10, 2006